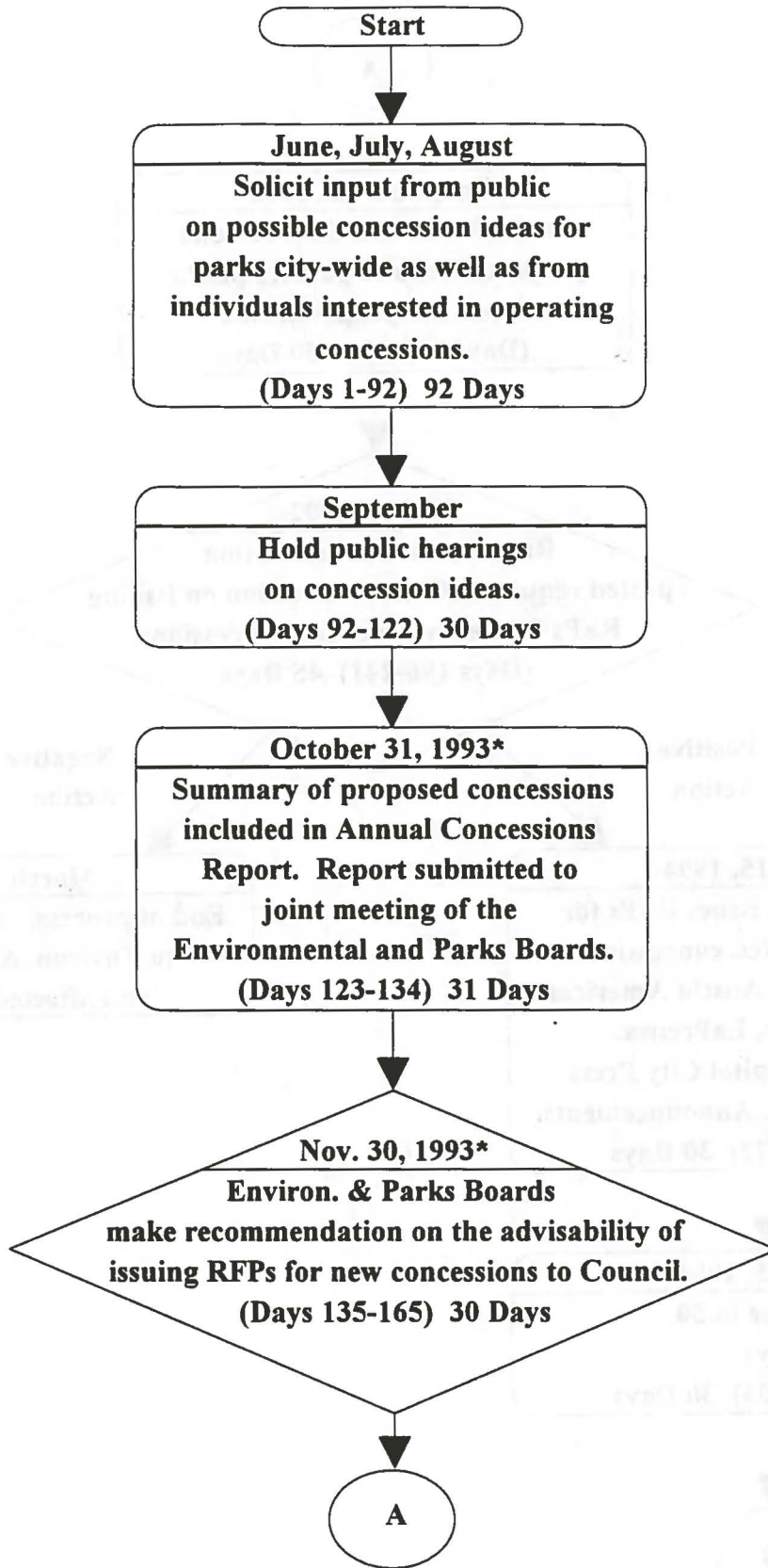


**Permanent Concession Policy
(New Concessions)**

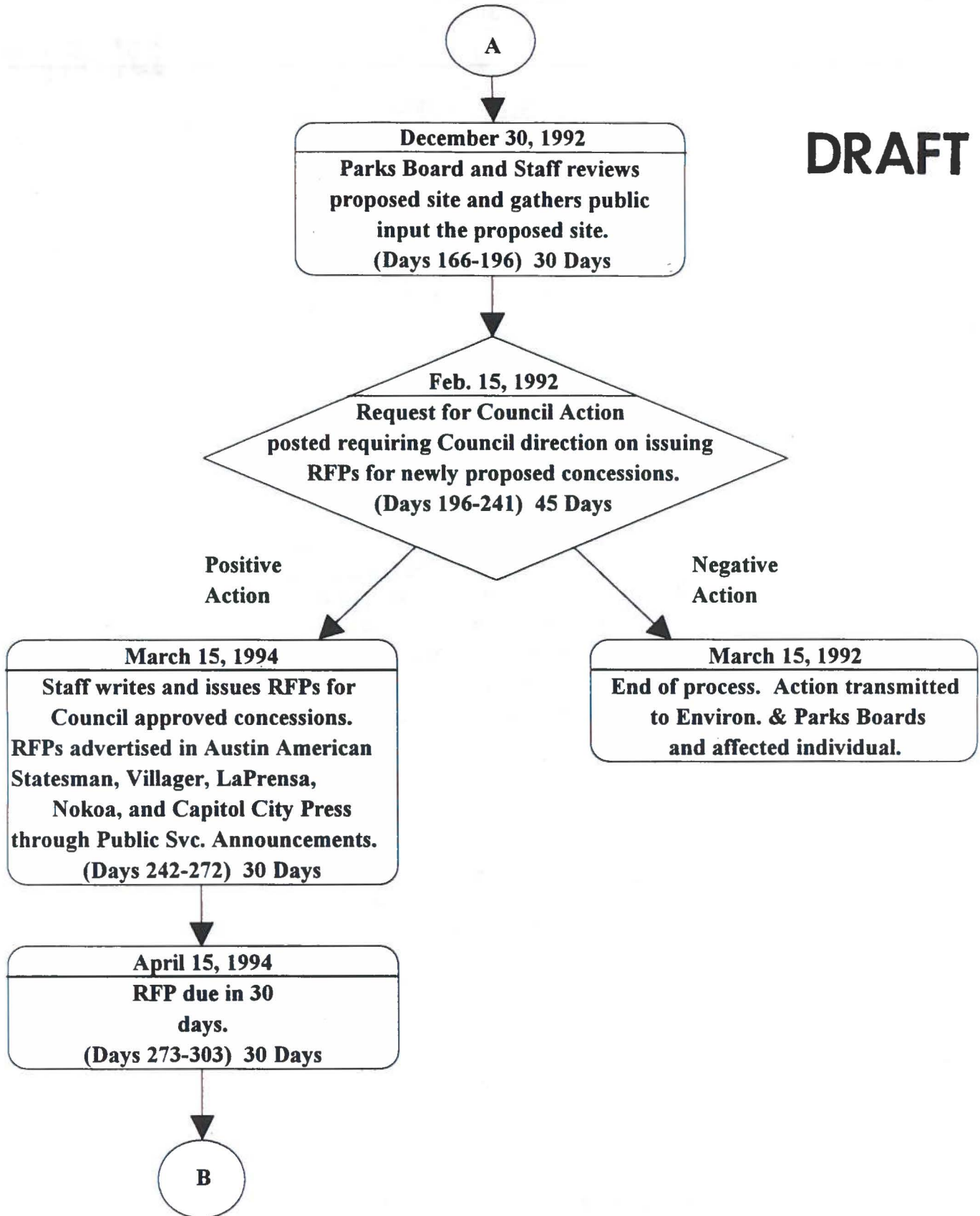
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***As required by the Town Lake Ordinance**

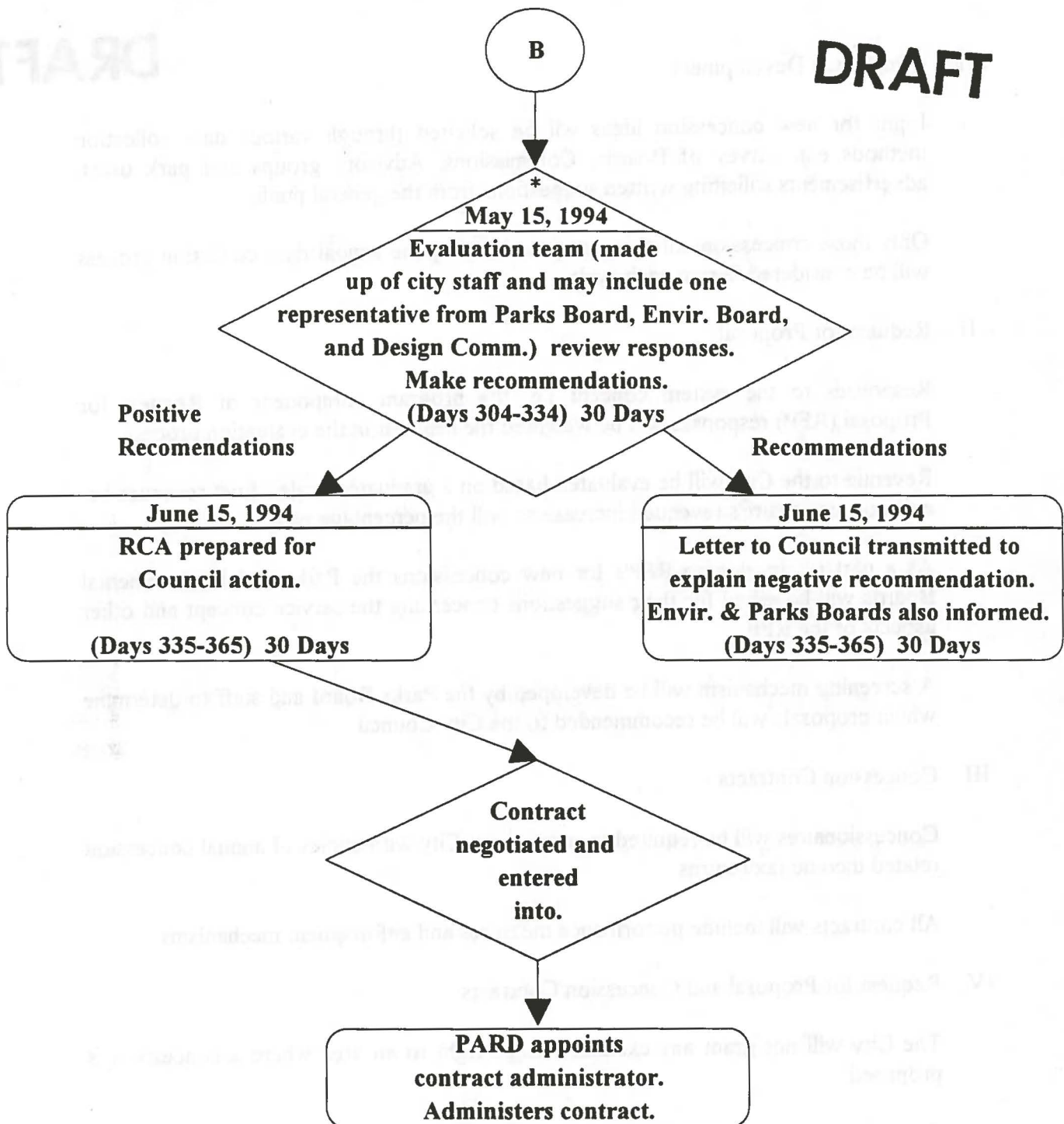
**Permanent Concession Policy
(New Concessions)**

DRAFT



**Permanent Concession Policy
(New Concessions)**

DRAFT



*As allowed in Town Lake Ordinance

PERMANENT CONCESSION POLICY FOR NEW CONCESSIONS

DRAFT

I. Concession Development

Input for new concession ideas will be solicited through various data collection methods e.g. survey of Boards, Commissions, Advisory groups and park users, advertisements soliciting written suggestions from the general public.

Only those concession concepts proposed during the annual data collection process will be considered during each cycle.

II. Request for Proposal

Responses to the system concept i.e. the program component of Request for Proposal (RFP) responses will be weighted the heaviest in the evaluation process.

Revenue to the City will be evaluated based on a graduated scale of net revenues i.e. as a concessionaire's revenue's increase so will the percentage paid to the City.

As a part of developing RFP's for new concessions the Parks and Environmental Boards will be asked for their suggestions concerning the service concept and other aspects of the RFP.

A screening mechanism will be developed by the Parks Board and staff to determine which proposals will be recommended to the City Council.

III. Concession Contracts

Concessionaires will be required to provide the City with copies of annual concession related income tax returns.

All contracts will include performance measures and enforcement mechanisms.

IV. Request for Proposal and Concession Contracts

The City will not grant any exclusive usage right to an area where a concession is proposed.

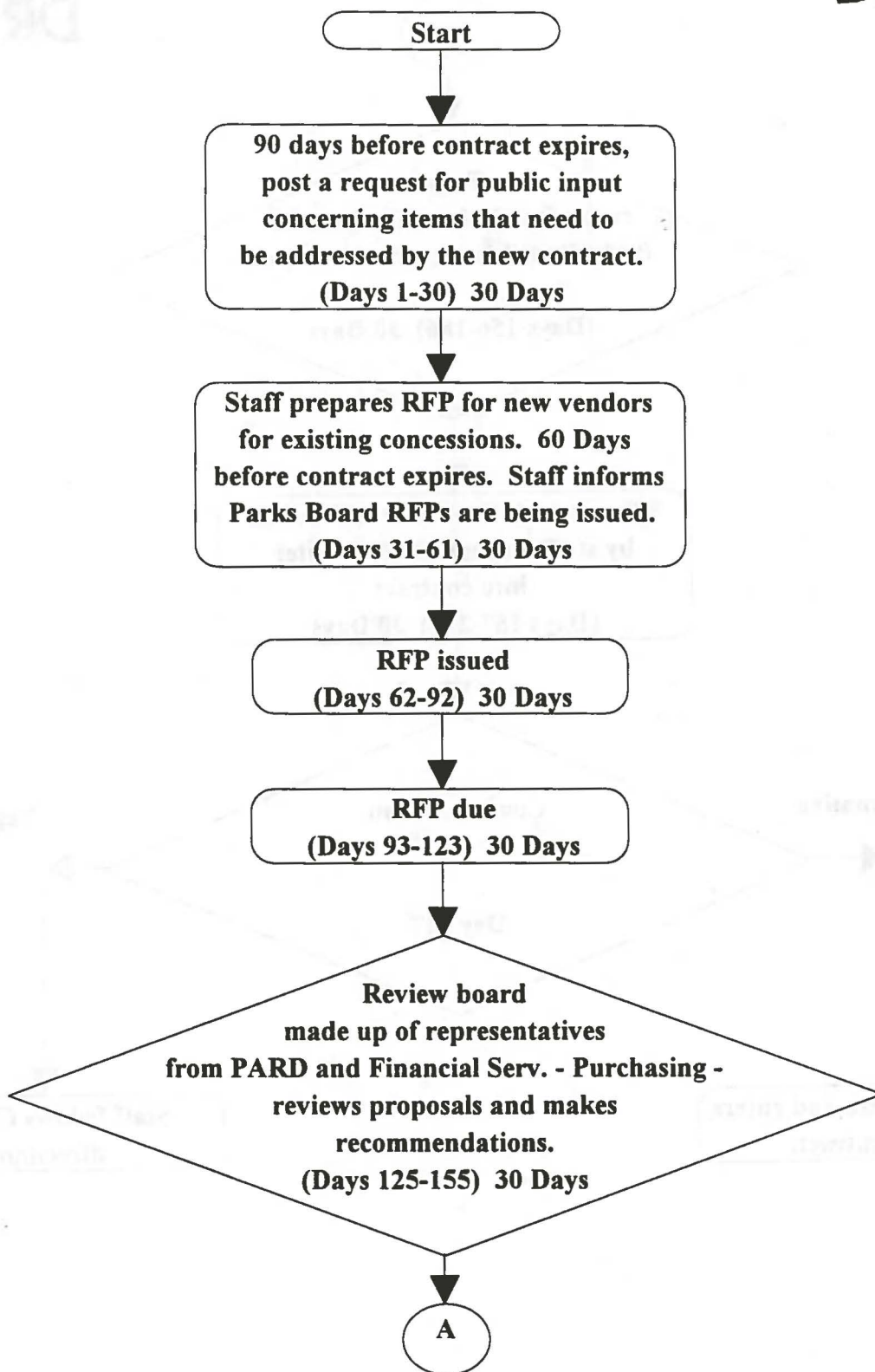
Concessionaires will be required to carry standard liability insurance.

All proposals will be required to conform with all State and local regulation e.g. design, park, and environmental standards.

All proposals must be in compliance with the American's with Disabilities Act.

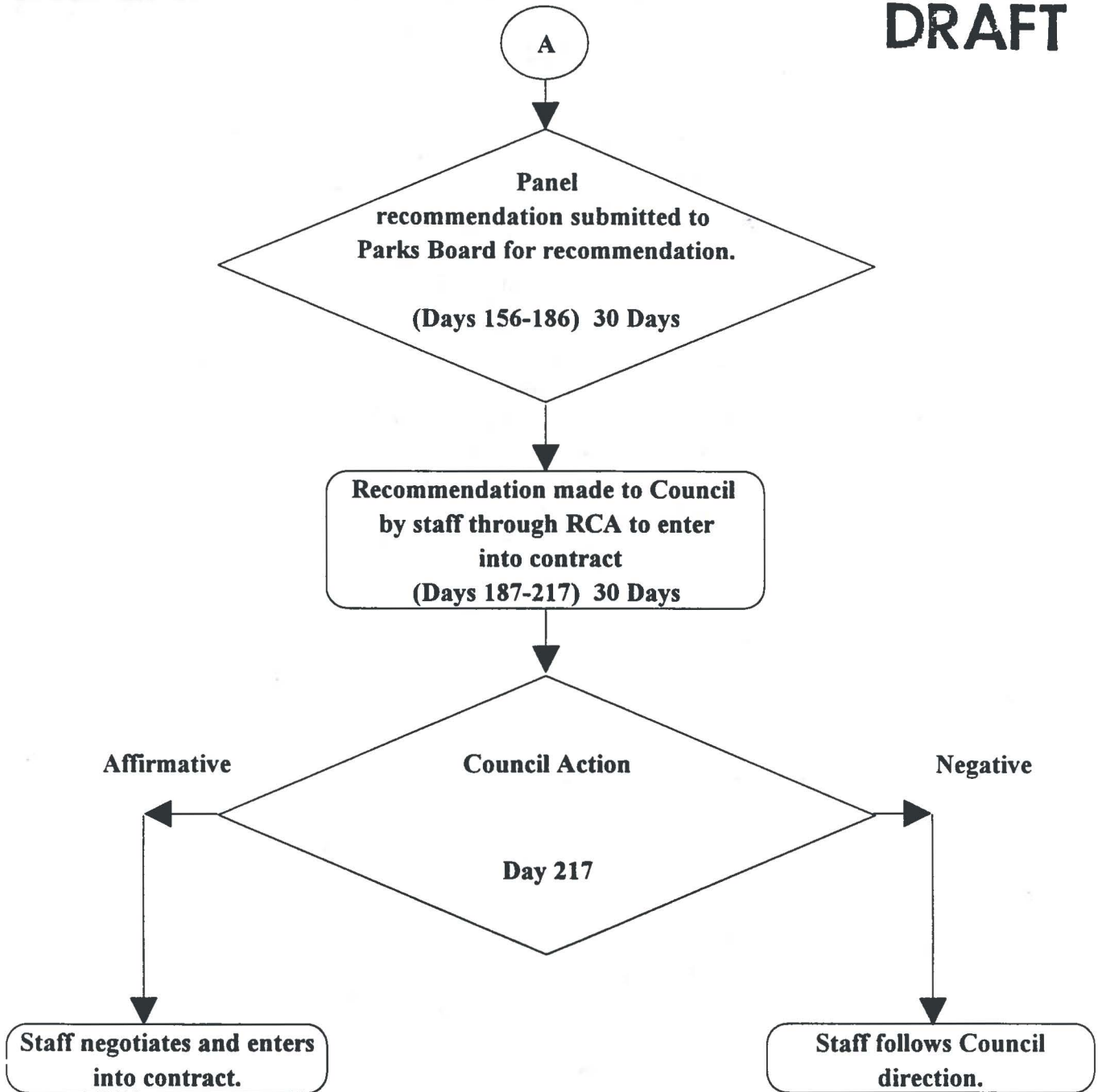
**Permenant Concession Policy
(Existing Contracts which have expired)**

DRAFT



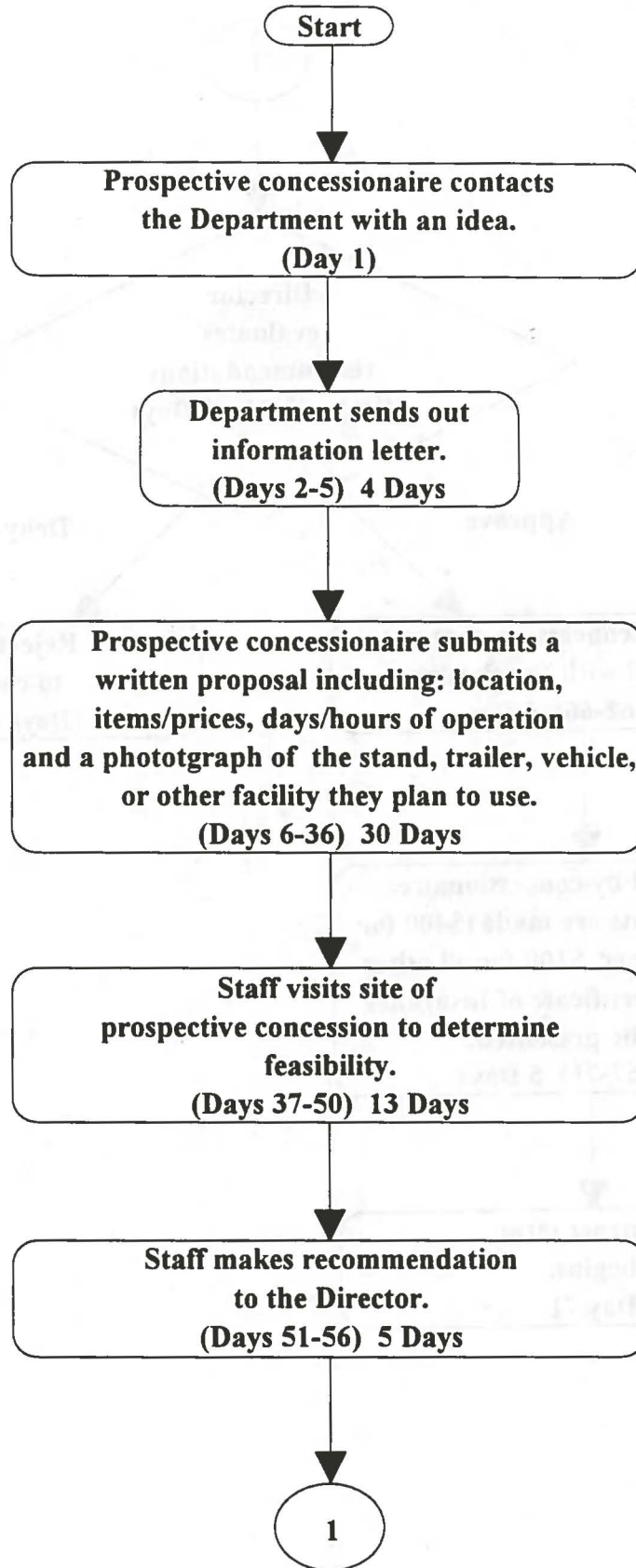
**Permenant Concession Policy
(Existing Contracts which have expired)**

DRAFT



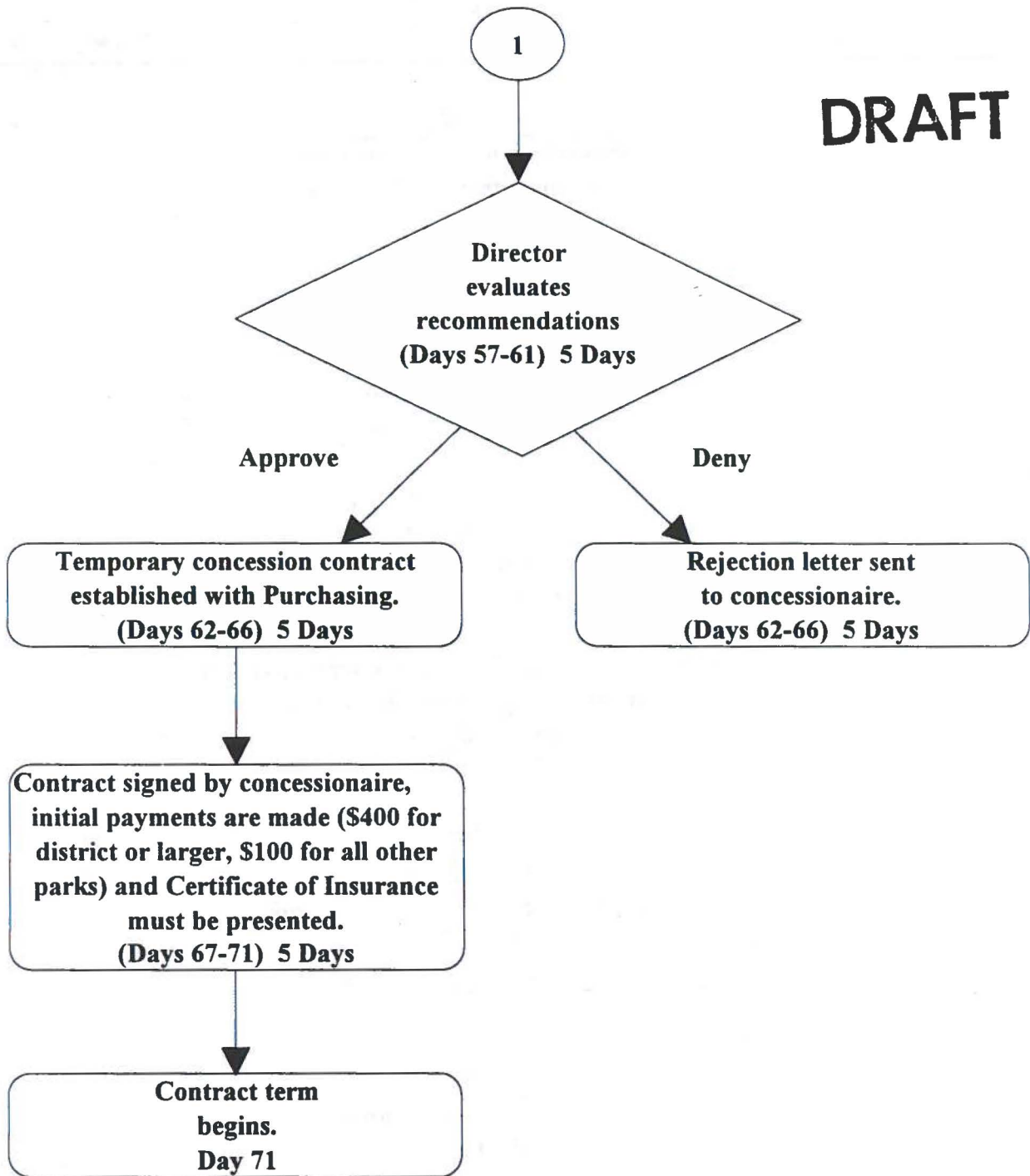
**TEMPORARY CONCESSION POLICY
(For Unsolicited Concessions)**

DRAFT



**TEMPORARY CONCESSION POLICY
(For Unsolicited Concession)**

DRAFT



INFORMATION FOR PROSPECTIVE CONCESSIONAIRES

City of Austin, Parks and Recreation Department

The Austin Parks and Recreation Department will accept written proposals for seasonal or temporary concessions which do not require a building or other type of permanent structure to conduct their operation. Contracts for such seasonal concessions will be limited to terms of one year or less, although they may be renewed for additional terms (maximum of two renewals) at the option of the Parks and Recreation Director. The following information must be included in concessions for temporary concessions.

1. Location- Be as specific as possible; certain locations may not be allowed due to being too close to an existing concession, or may not be feasible because the area is frequently reserved or rented. List *at least two* alternate locations.
2. Items/Prices- What do you want to sell and how much do you intend to charge for it? Additional items may be added or prices changed with approval of the Parks Director.
3. Days/Hours of Operation- Please list the *minimum* time that you intend to operate and will always be open for business. You may open earlier or stay open longer than the time indicated in your contract if business is good, but closing early, or not showing up on schedule (except for inclement weather) may subject you to a fine or termination.
4. Photograph- Please include a photograph of the stand, trailer, vehicle, or other facility which you plan to use for your operation.
5. Fees- The temporary concession permit fee is \$1,000 for district or larger parks and \$250 for all other parks. This is charged for a six month permit to operate a temporary concession in place of the city collecting a portion of your sales. The \$1,000 fee will be paid over four months in increments of \$400, \$200, \$200, \$200; the \$250 fee will be paid over four months in increments of \$100, \$50, \$50, \$50. In both cases the first portion of the fee will be due at the time you sign your contract.

ADDITIONAL REQUIREMENTS

Sign- Each seasonal concession must post a sign listing a menu or items/prices, days and hours of operation, and a phone number (provided by PARD) for further information or registering complaints.

Insurance- At the time a contract is signed the concessionaire must provide a Certificate of Insurance naming the City as an additional insured which shows proof of Comprehensive General Liability Insurance with a combined single limit of \$500,000 per occurrence for coverages AB&C. State-required personal Automobile Liability Insurance acceptable to the City will also be required.

Please allow a minimum of two to three weeks to process your request after we have received your written proposal. Be sure and include a phone number where you can be reached if we need to get additional information.

ENVIRONMENTAL BOARD MOTION 111892-05

Date: November 18, 1992
Subject: Town Lake Concession Report
Motion by: Baylor
Second: Evans

The Environmental Board wishes to thank the Parks and Recreation Department staff for their work on the Town Lake Concession Report.

The Environmental Board recommends acceptance of the 1992 Town Lake Concession Report subject to all concession reports being reviewed for environmental impact.

Vote: 7-0-0-2

	CONSENTING	DISSENTING	ABSTAINING	ABSENT
Jack Goodman, Chairman	()	()	()	(x)
Jack Garrett, Vice-Chairman	(x)	()	()	()
Jo Baylor	(x)	()	()	()
Fred Blood	(x)	()	()	()
Jack Evans	(x)	()	()	()
Tim Jones	(x)	()	()	()
Edward Lee	(x)	()	()	()
Sabino Renteria	()	()	()	(x)
Jeanne Yturri	(x)	()	()	()

Approved by:

Jack Goodman, Chair



M E M O R A N D U M

TO: Parks and Recreation Board

FROM: Michael J. Heitz, AIA, Director
Parks and Recreation Department

DATE: November 19, 1992


SUBJECT: Food and Drink Concession at Barton Springs

The City of Austin issued an RFP for the Food and Beverage Concession at Barton Springs Pool, an existing concession, on June 1, 1992. Seventy-six notices were sent out. The only respondent was Rodriguez Concession, Inc., which has been operating the concession stand at Barton Springs Pool for the last 18 years.

The proposed contract is for five years with the option to extend for one additional five year period. The concessionaire will perform all normal duties associated with the operation of this type of concession, including but not limited to food preparation, food service, and cleaning of the interior and exterior of the concession area. The concessionaire will provide all personnel, equipment and products necessary to operate this concession. Non-alcoholic beverages and various types of fast food such as hamburgers, hot dogs, ice cream and sandwiches will be served. The recommended awardee is a certified MBE vendor with the City of Austin.

RECOMMENDATION:

The Parks and Recreation Department concurs with the recommended award.


Michael J. Heitz, AIA, Director
Parks and Recreation Department

MJH:tpg



MEMORANDUM

TO: Parks and Recreation Board

FROM: Michael J. Heitz, AIA, Director
Parks and Recreation Department

DATE: November 19, 1992

SUBJECT: Butler Pitch and Putt Concession Contract

The City of Austin issued an RFP for the management and operation of the Butler Pitch and Putt Golf Course, an existing concession, on June 15, 1992. Twenty-one notices were sent out, responses were originally received from 2 potential vendors. One respondent, W.M. Condra, withdrew his response from consideration in August. The other respondent was Mr. Albert Kinser, Sr. who has been operating the Butler concession for the last 43 years.

The proposed contract is for five years with the option to extend for one additional five year period. The Concessionaire will provide quality golf course management, grounds maintenance, merchandise sales and program golf lessons. Mr. Kinser will also provide all personnel, equipment, products and maintenance for the entire golf course to include turf irrigation, fertilization, mowing of greens, fairways, edging, trimming of trees and shrubs and litter pickup.

The concessionaire will pay the City a flat fee of \$1,000 per month. This is an increase of \$200 per month over the current contract. It is, however, recommended that the monthly payments be waived for the months of December 1992, January 1993, and February 1993, or the period which the course is closed due to the construction of the South Austin Outfall sewer lines.

RECOMMENDATION:

The Parks and Recreation Department concurs with the recommended award of this concession contract.


Michael J. Heitz, AIA, Director
Parks and Recreation Department

MJH:tpg



MEMORANDUM

TO: Parks and Recreation Board

FROM: Michael J. Heitz, AIA, Director
Parks and Recreation Department

DATE: November 18, 1992

SUBJECT: Garrison Park - South Austin Optimist Club
Proposed Concession Stand

Attached is a letter from Ric Castenada, President of the South Austin Optimist Club. The Club is proposing to construct a new concession stand in Garrison Park to replace the existing.

A conceptual layout of the new facility has been produced by the architects for the project; however, construction drawings have not yet been produced.

Once construction drawings have been completed by the architect they will be reviewed by staff to ensure that building meets all applicable codes and standards for Parks and Recreation Department facilities.

This new concession building construction will be funded with money raised by the South Austin Optimist Club and will be operated and maintained by the club, as is the case with similar concessions operated by non-profit groups within City parkland.

Recommendation

I recommend approval of the South Austin Optimist Club proposal to replace the existing concession stand at Garrison Park. This approval is contingent upon the detailed design being reviewed by Parks and Recreation Department Staff.


Michael J. Heitz, AIA, Director
Parks and Recreation Department

MJH:pm

SOUTH AUSTIN OPTIMIST CLUB

P.O. BOX 43086 - AUSTIN, TEXAS 78745



October 23, 1992

Robert Sopronyi
Austin Parks and Recreation Department
200 South Lamar
Austin, Texas 78704

Dear Robert,

The enclosed drawing and blueprint depict the concession stand to be build at the South Austin Optimist Sports Complex located in Garrison Park, 6001 Manchaca Road.

This concession stand will replace the one currently in operation. The new concession stand will be build where the bleachers were located. Once the new concession stand is operational, the old concession stand will be replaced by new bleachers. This project will be funded with money raised by the South Austin Optimist.

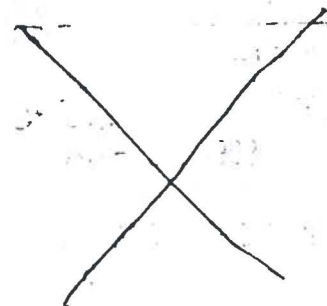
This facility will upgrade our complex and put us in compliance with health standards.

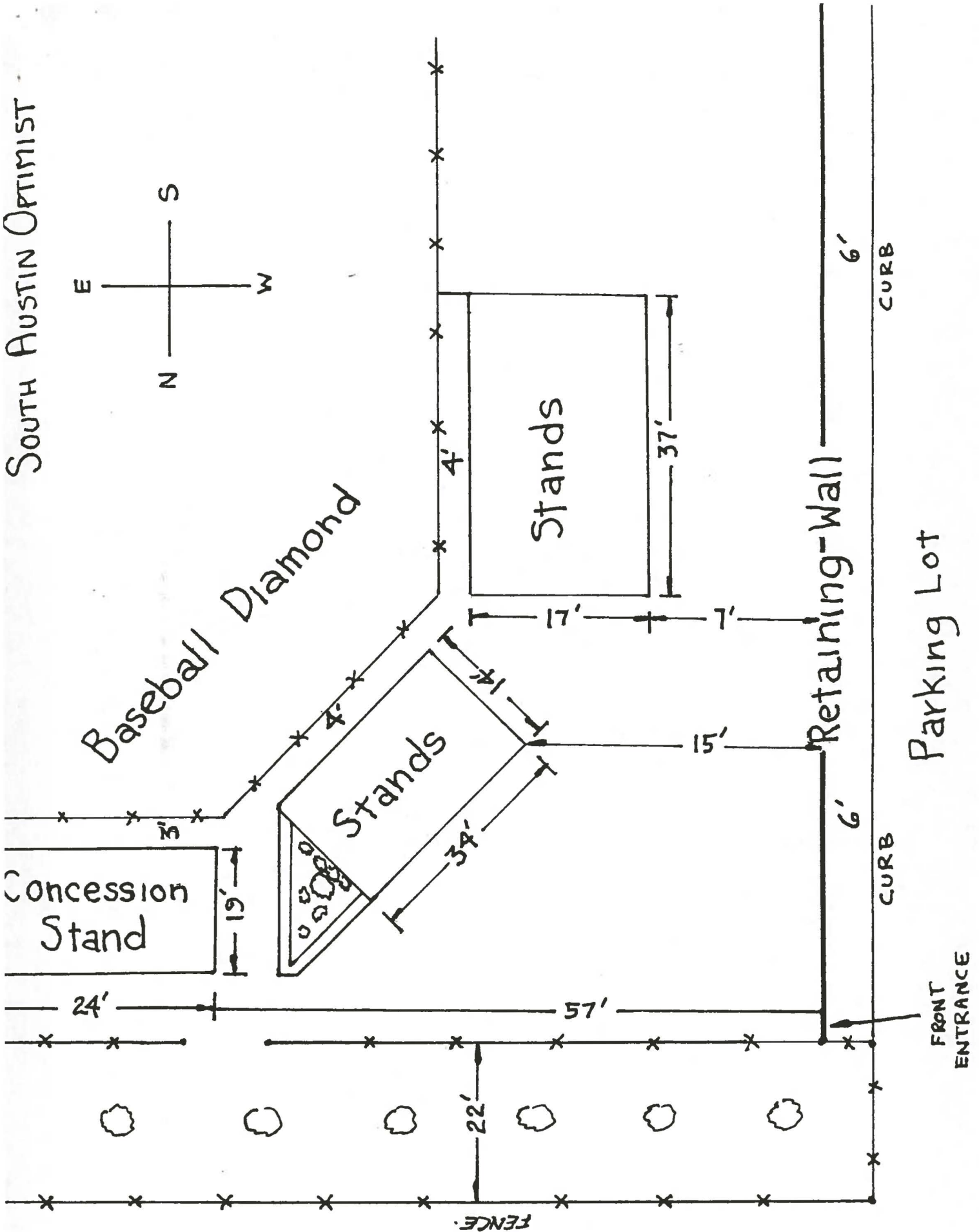
If you have any other questions please call me at your convenience.

Respectfully,

Ric Castaneda
President, South Austin Optimist Club

cc: Stuart Strong







MEMORANDUM

TO: Parks and Recreation Board

FROM: Michael J. Heitz, AIA, Director
Parks and Recreation Department

DATE: November 19, 1992

SUBJECT: Approve Park Improvement Agreement Plans for Renovation of
Trail and Construction of Deck Adjacent to Raddisson Hotel

The Raddisson Hotel, which overlooks Town Lake east of Congress Avenue, has expressed an interest in making improvements to the park adjacent to their property. The improvements are renovation of the existing, deteriorated access stairway, construction of an observation deck, and the assumption of maintenance responsibility for parkland next to the hotel.

First, a public trail or stairway, which begins at the north end of the Congress Avenue bridge, provides access to the Town Lake trail along the lake front. The trail has deteriorated to the extent that it was closed to the public last year; no City funding is available to renovate the limestone and wooden stairs. The Raddisson has offered to repair the stairway, using plans and specifications supplied by the Parks and Recreation Department, and to maintain the stairway in the future.

Second, the Raddisson Hotel has offered to build a 990 square foot wooden observation deck along the common property line, to be accessible by the public as well as hotel patrons. The deck could enable the public to observe the Congress Avenue bat flights, or to enjoy service from the hotel restaurant. Permanently mounted telescopes are planned to assist in viewing the nearby exit flight of the bat colony. The deck would be accessible from the adjoining public trail; a gate, listing the park curfew, would be closed and opened by hotel personnel. Hotel patrons could use the deck on a non-exclusive basis.

The 990 square foot deck would occupy both hotel property (330 square feet) and parkland (630 square feet).

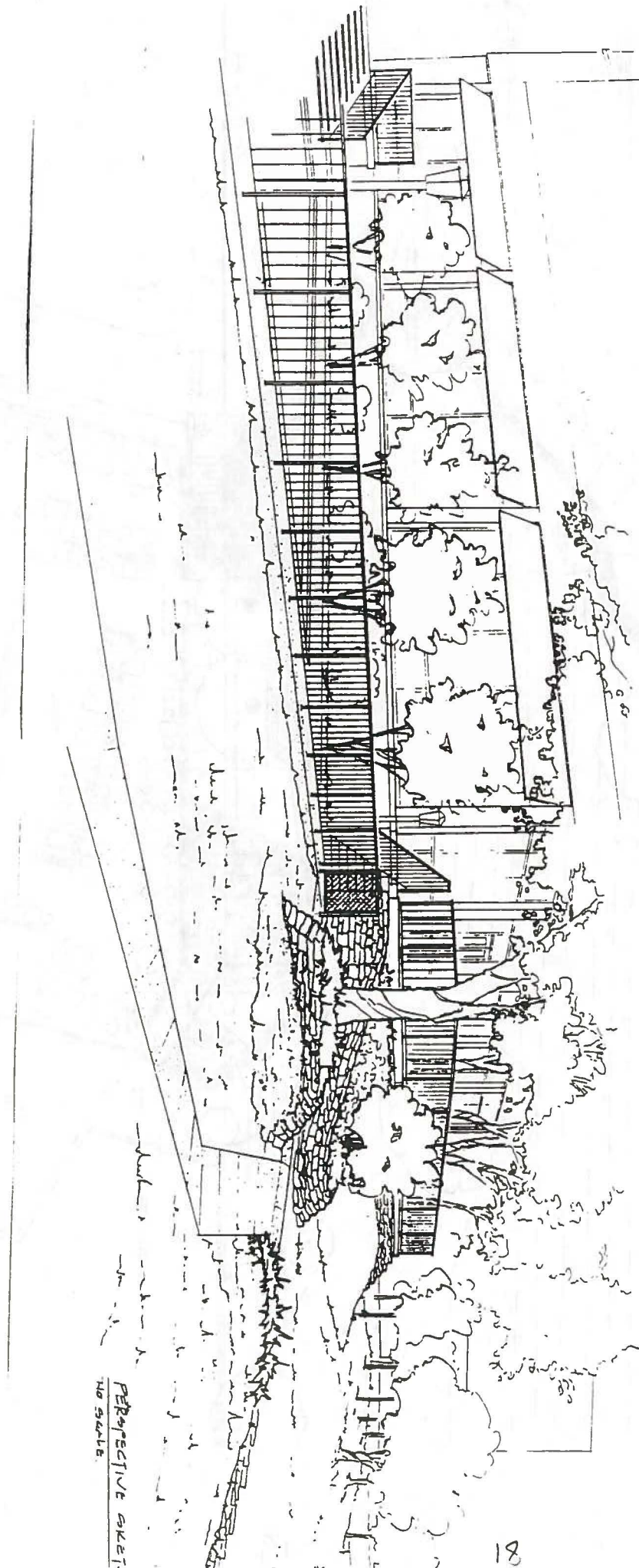
Finally, the Raddisson Hotel has agreed to assume responsibility for maintaining the park grounds between the hotel and Town Lake.

Recommendation

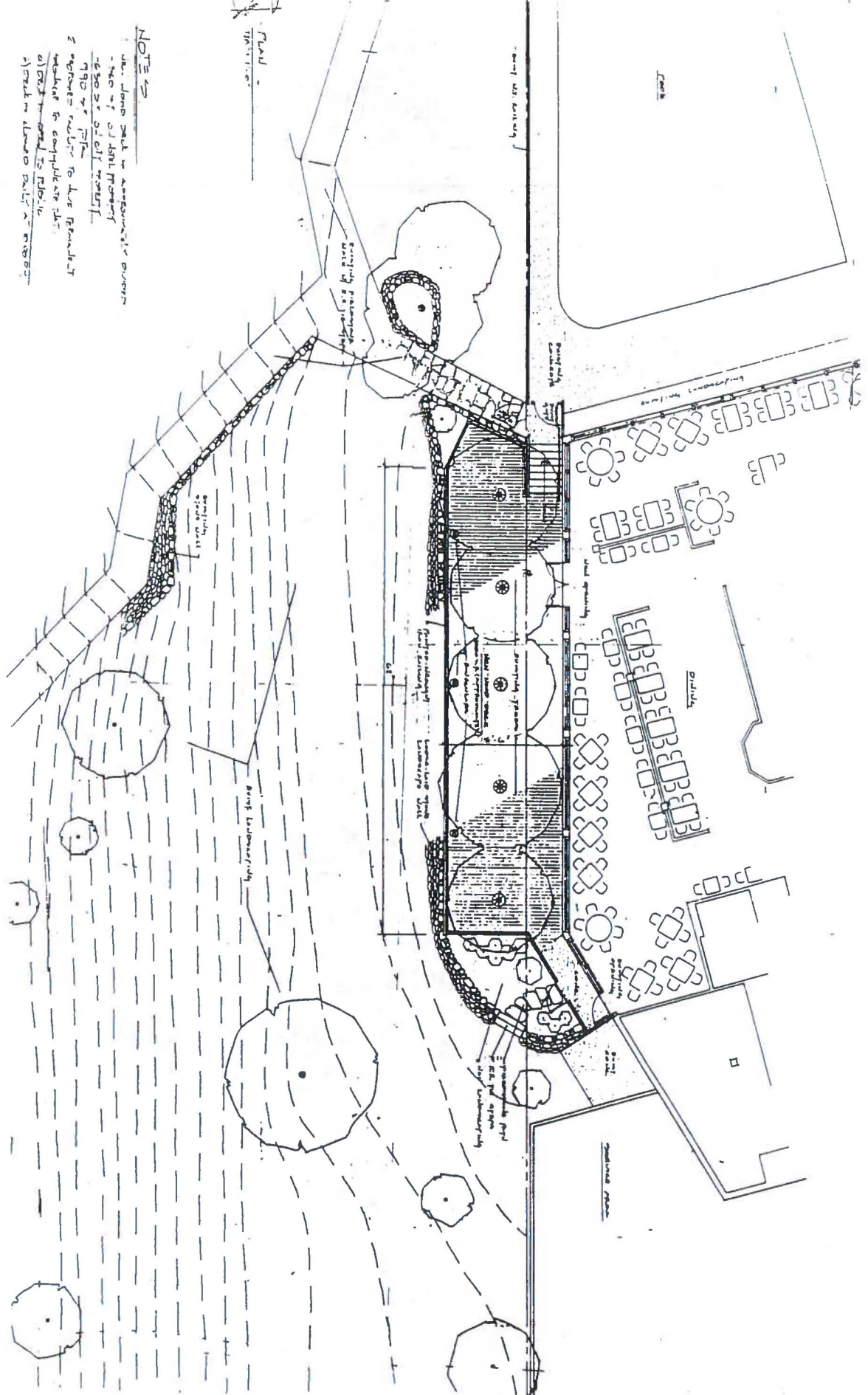
I recommend your approval of an agreement permitting the Raddisson Hotel to renovate the existing Town Lake access stairway, build an observation deck and assume responsibility for maintenance south of the hotel.

A handwritten signature in black ink, appearing to read "Michael J. Heitz", written in a cursive style.

Michael J. Heitz, AIA Director
Parks and Recreation Department



PERSPECTIVE SKETCH
NO SCALE



NOTE:
 1. Dining Room is approximately 1000 sq. ft.
 2. Bar is approximately 500 sq. ft.
 3. Kitchen is approximately 500 sq. ft.
 4. Outdoor Seating is approximately 500 sq. ft.
 5. Bump Out is approximately 500 sq. ft.



MEMORANDUM

TO: Parks and Recreation Board

FROM: Michael J. Heitz, AIA, Director
Parks and Recreation Department

DATE: November 18, 1992

SUBJECT: Expansion of Travis Heights Elementary School Adjacent to Stacy Park

Travis Heights Elementary School is located immediately adjacent to Stacy Park in south Austin, as shown on the attached Location Map. For a number of years, the Austin Independent School District (AISD) has had seven portable classroom buildings located partially or wholly on parkland without permission from the City.

AISD is planning new construction at the school which will ultimately result in removal of the portables and restoration of parkland for public use. Staff is currently working with AISD to negotiate an agreement which will be satisfactory to both PARD and AISD.

THE CONSTRUCTION PROJECT/AISD USE OF PARKLAND

Attachment A illustrates the existing conditions where the park and school properties abut one another; it shows locations of the existing school, the property line between the school and Stacy Park, and the portables located on parkland.

AISD wants to demolish the southernmost existing building wing and then build a new classroom building as shown on Attachment B. AISD also wants to build a new 28-car parking lot on parkland south of the new school addition. The parking lot will be available for both school and park patrons.

To make room for construction, AISD needs to relocate the portables, and keep them in operation through the end of the school year following construction completion. AISD proposes to relocate five of them onto parkland, as shown on Attachment B, for about one year. Upon removal, AISD will restore the parkland.

South
AISD also proposes to use additional parkland just east of the pool as the construction staging area. This area, shown on Attachment C, includes a gravel parking lot and part of the grass slope leading down to the pool. Currently, the parking lot is used mostly by school personnel during the school day, and otherwise, as overflow parking for Stacy Pool and Park users.

Finally, during the construction period, AISD will need for the short stretch of Alameda Avenue which is shaded on Attachment C to be two-way (Alameda is currently one-way southbound along the school property) to allow heavy trucks access to the construction site without having to travel the full one-way length of the street through the neighborhood and past the school.

All construction costs will be borne by AISD.

STATUS OF THE AGREEMENT

We are willing to cooperate with AISD in its construction project, and feel that the park will benefit in the end. There is agreement on most aspects of the project. However, some issues remain to be resolved. Negotiations will continue throughout the week, and a current report will be presented to you during the Board meeting.

RECOMMENDATION: I recommend approval of staff's negotiation of a final agreement with AISD contingent upon the satisfactory resolution of any outstanding issues presented to you on November 24, 1992.


Michael J. Heitz, AIA, Director
Parks and Recreation Department

Attachments



BLVD

C1

CENTERLINE

N38° 35' 00" E 204.20'

N45° 21' 55" E
78.67'

PORTABLE 2

PORTABLE 3

AUSTIN: STACY RES

CITY OF

PORTABLE 4

PORTABLE 7

PORTABLE 5

PORTABLE 6

PORTABLE 8

STACY PARK
POOL

GYMNASIUM

PORTABLE 2

PORTABLE

COVERED CONC

N60° 25' 02" W 240.97'

VACATED ALGARITA AVE
6-1-53 CITY COUNCIL ACTION

Gravel Drive

Property Line

Asphalt

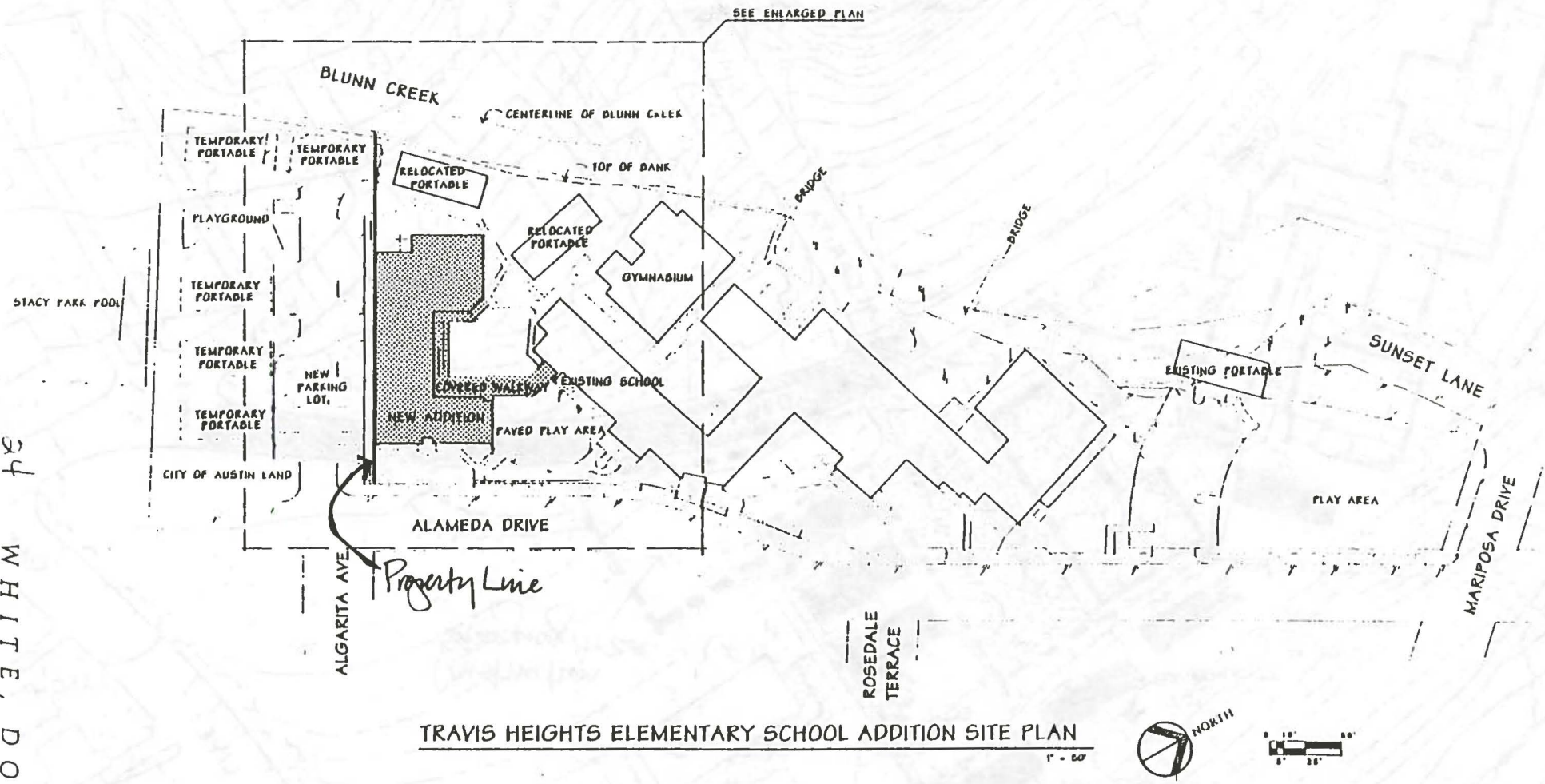
Barndoor

Alameda Ave.

ALGARITA
50' R.O.

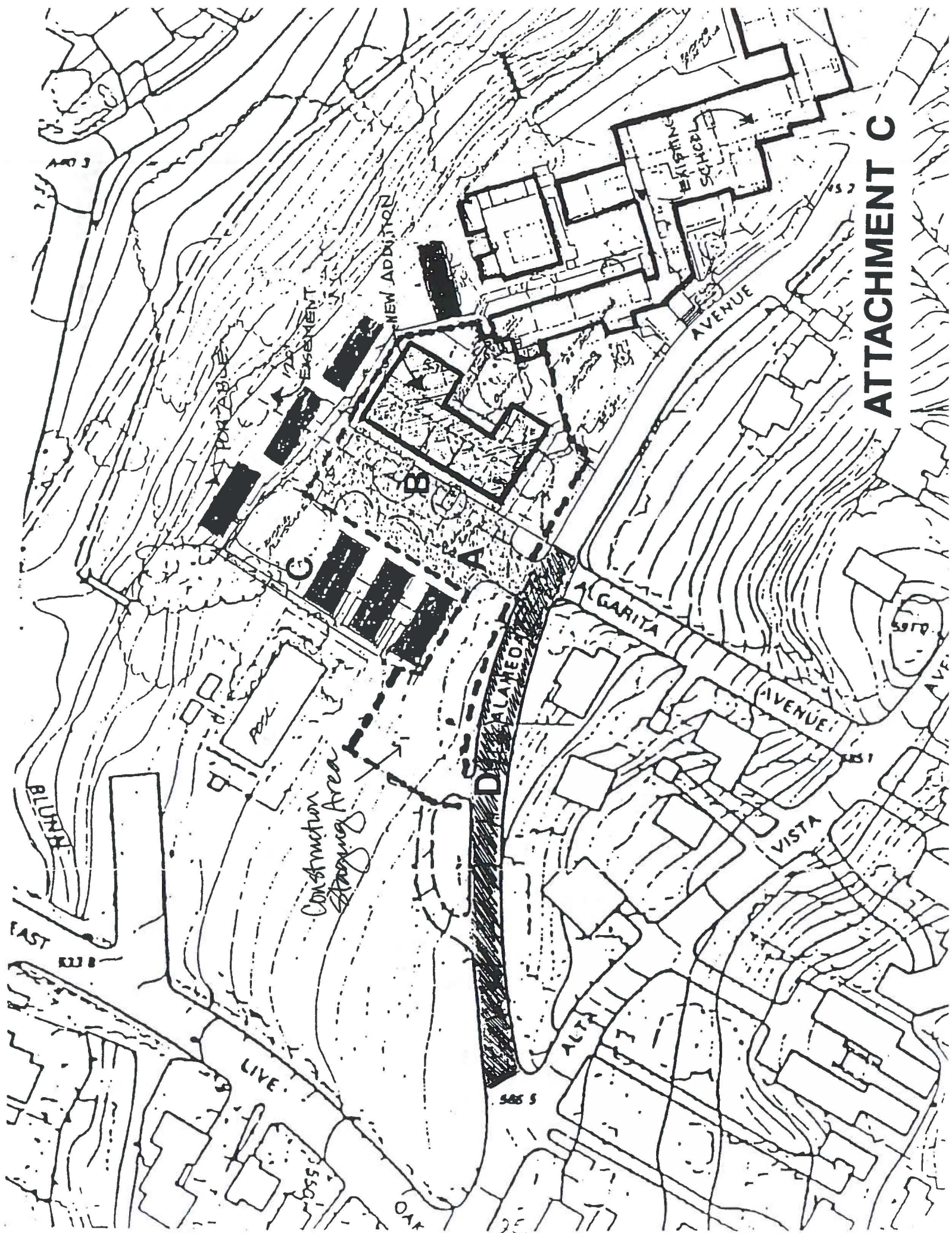
ATTACHMENT A

34 WHITE, DOLCE & BARR



ATTACHMENT B

ATTACHMENT C





MEMORANDUM

TO: Parks and Recreation Board

FROM: Michael J. Heitz, AIA, Director
Parks and Recreation Department

DATE: November 5, 1992

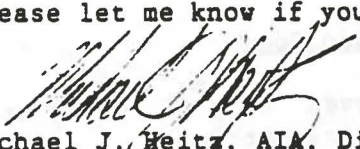
SUBJECT: Revision of Board Policy on Use Agreements (Easements)

I am attaching a copy of the proposed revision of the Parks and Recreation Board's policy on "easements," now termed "use agreements," which was adopted on April 25, 1990.

The proposed changes reflect discussions with the Law Department, the City Manager, and affected department directors.

I recommend approval of the proposed revisions.

Please let me know if you need additional information.


Michael J. Heitz, AIA, Director
Parks and Recreation Department

Proposed revisions

PARKLAND EASEMENTS USE AGREEMENTS

Austin Parks and Recreation Board Policy
Adopted April 25, 1990

1. All construction and construction related uses within parkland (except park improvements) shall require use agreements easements which shall be approved by the Parks and Recreation Board, and All permanent non-park uses easements shall be approved by the City Council. Requests for non-park uses, easements both permanent and temporary, shall be reviewed by the Land and Facilities Committee before consideration by the full Parks and Recreation Board.
2. ~~Easement--requests--shall--address,--and~~ The Board shall consider the request to ensure it complies with the specific following requirements:
~~of--Chapter-26,--Texas-Parks--and-Wildlife-Code with--regard-to-the following+~~
 - (A) Chapter 26. Texas Parks and Wildlife Code:
 - (1) The use easement shall be approved only if there are no feasible and prudent alternatives to using parkland.
 - (2) All reasonable planning to minimize harm to the parkland has been carried out.
 - (B) The "Construction in Parks Specifications", as adopted by the Parks and Recreation Board. April 25, 1990.

In circumstances where a use has been pre-approved by City Council, the Board shall limit its review to ensuring compliance with the "Construction in Parks Specifications".
 - (C) Deed restrictions and any other restrictions have been examined to ensure that they have been complied with.
3. No overhead utility lines shall be permitted in parkland.

Parkland Easements
Austin Parks and Recreation Board Policy

~~4. The "Construction in Parks Specifications", as adopted by the Parks and Recreation Board, shall be requirements for all construction within parkland.~~

4.5. Temporary uses easements shall expire on completion of the construction project, which shall not exceed a period of 5 years after the date of approval of the project by the Parks and Recreation Board.

The construction project shall include all construction and the establishment of all restoration planting. ~~If construction on the project has not begun within 2 years of the date of approval by the Board, the easement shall not be valid.~~ Reapproval shall be required if construction has not commenced within two years.

5.6. For use of parkland requested by a non-City of Austin Public Utility, an appraisal report of the proposed permanent and temporary use easements shall be supplied by the Appraisal Review Section of the Real Estate Services Division of the Public Works Department to PARD staff for presentation to the Parks and Recreation Board.

Any non-City of Austin request for the use of parkland shall be required to obtain a License Agreement. Such License Agreement shall include compensation based on the appraisal report.

6. For use of parkland requested by a City of Austin entity, indirect compensation shall be made through the City's normal budget process. This is most effectively done by annual financial transfers to the General Fund, a portion of which is allocated to the Parks and Recreation Department in the annual budget process.

7. If the parkland has been acquired or developed with assistance from State or Federal funding substitution of parkland may be required. Approval by the State or Federal agency involved may be required.

8.7. For a non-City of Austin entity fiscal surety shall be posted with the City of Austin, Planning and Development Department; to cover the Parks and Recreation Department estimated cost of revegetation and maintenance to ensure that the parkland is restored to a condition equal to or better than that existing before construction.

Parkland Easements
Austin Parks and Recreation Board Policy

9.8.The Chairperson of the Parks and Recreation Board shall notify the Mayor and City Council of the Board's recommendations for the approving approval of easements-through use of parkland.

10.9.On approval of the project by the City Council the easement proposed use of parkland should be granted by resolution, ordinance which includes the easement survey field notes, and the conditions recommended by the Parks and Recreation Board.

11.10.The project contract documents shall include a copy of the City Council's resolution ordinance granting the easements use of parkland.

12.11.Engineering drawings for the project shall indicate all easements approved use agreements within parkland. The Director, Parks and Recreation Department, shall approve and "sign off" on the drawings after all required easements use agreements have been approved, granted and recorded for public record.

13.12.An accurate record of all easements use agreements through parkland, including description, area, use, park location etc., shall be kept by the Parks and Recreation Department.



MEMORANDUM

TO: Parks and Recreation Board

FROM: Michael J. Heitz, AIA, Director
Parks and Recreation Department

DATE: November 18, 1992

SUBJECT: West Austin Park, Sanitary Sewer Use Agreement
Request from Water and Wastewater Utility

The Water and Wastewater Utility is requesting a sanitary sewer agreement through part of West Austin Park. As you will note from the attached correspondence with the utility, the work to construct the replacement sewer was carried out as a emergency in May 1991. An existing sewer line that traversed the park was leaking and was replaced to avoid any potential health hazards.

Because the original line was installed during the 1930's the alignment was not recorded; however, the Utility now wishes to formally record the location of this line by means of a use agreement.

Since construction of the sewer line was completed, the disturbed areas of the park have been restored and revegetated to the satisfaction and approval of the Parks and Recreation Department.

Recommendation

I recommend approval of the request from the Water and Wastewater Utility for the following use agreement through part of West Austin Park:

2,929 square feet sanitary sewer use agreement, 15' wide and approximately 195' long, more accurately described on the attached metes and bounds description marked as Exhibit "A."

If I can provide you with any additional information, please let me know.


Michael J. Heitz, AIA, Director
Parks and Recreation Department



M E M O R A N D U M

TO: Michael Heitz, A.I.A., Acting Director
Parks and Recreation Department

FROM: J. Chris Lippe, P.E., Assistant Director
Water and Wastewater Utility

DATE: October 30, 1992

SUBJECT: Easement Acquisition in West Austin Park

In May of 1991, numerous breaks in an existing 6 inch wastewater line were being reported within the West Austin Park, just north of West Ninth Street. As a result, an emergency rehabilitation of the main was expedited to avoid any potential health hazards. Construction of the line was completed in 2-3 weeks, beginning and ending in May of 1991.

Copies of our correspondence regarding this emergency construction are attached for your information.

Since the construction was completed, the disturbed portion of the park has been restored and revegetated to a condition equal to or better than its condition prior to the construction. According to records, there appears to be no easement for the wastewater line through the park. At this time, the Water and Wastewater Utility would like to pursue acquisition of a formal easement through the park for future maintenance.

I you have any questions, please contact Dolores Duran at 322-2766.

J. Chris Lippe, P.E.

JCL:cjc



MEMORANDUM

TO: Manuel Mollinedo, Director
Parks and Recreation Department

FROM: J. Chris Lippe, P.E., Assistant Director
Water and Wastewater Department

DATE: May 16, 1991

SUBJECT: Emergency Wastewater Rehabilitation

The Water and Wastewater Department has just begun the rehabilitation of a wastewater main in the vicinity of West Ninth Street and Winflo Drive. The northern portion of the line traverses the city park just north of West Ninth Street. This line has experienced numerous failures during the past month and must be replaced immediately to avoid any potential health hazards.

Although the main has been in place since 1932, there appears to be no easement through the park according to the available records. The W/WW Engineering staff has been in correspondence with Peter Marsh and Stuart Strong of your department regarding the pending construction and will continue to pursue acquisition of a formal easement through the park.

Upon completion of rehabilitation of the line, the affected portion of the park will be restored and revegetated to its current condition.

Due to the potential health hazard associated with the failing line, it is requested that this emergency rehabilitation be permitted. If you have any questions, please contact Danny Smith at 322-2771.

J. Chris Lippe, P.E.

JCL:nds

xc: Jerry Martin, P.E.- W/WW
Danny Smith, P.E. - W/WW
Peter Marsh, PARD
Correspondence file

MEMORANDUM

TO: J. Chris Lippe P.E., Assistant Director
Water and Wastewater Department

FROM: Manuel A. Mollinedo, Director
Parks and Recreation Department

DATE: May 30, 1991

SUBJECT: West Austin Park, Wastewater Sewer Rehabilitation
Restoration of Parkland

I am pleased that the potential health hazards of the continually leaking wastewater sewer that traverses West Austin Park have now been resolved by replacing it with a new line, as indicated in your memorandum dated May 16, 1991.

As I understand there is no easement in place for this wastewater line as it was constructed almost 60 years ago. The State Parks and Wildlife Code requires that any non-park use of parkland be approved by City Council after holding a Public Hearing. The construction of this new sewer line would require such approval by obtaining an easement. In this instance, because replacement of the leaking sewer was paramount, the easement will have to be obtained after-the-fact. I am attaching an information packet that describes the process for obtaining easements from the Parks and Recreation Board and the City Council for projects that use parkland.

The part of the park where construction took place is an active recreation area used during as a ball field and for open play during the Departments Summer Playground Program. In order to ensure the park is available at the earliest opportunity during the busiest season and to restore it to a condition equal to or better than existing prior to construction the following measures need to be taken within the next four weeks.

1. The irrigation system, including piping and control wires must be repaired and in operable condition. The system was operable before construction commenced. Approximately 80' of irrigation line was removed during construction.
2. All gravel used during construction must be removed.

J. Chris Lippe
West Austin Park
May 30, 1991

3. All disturbed areas, including depressions made by vehicle tires, are to be graded level and smooth. Topsoil should be spread over the entire disturbed area and tilled to depth of 4".
4. To ensure grass cover (this time of year is inappropriate for seed to germinate adequately) the entire disturbed area should be laid with solid sod "Tifway" Bermuda grass. The sod, preparation, installation, watering etc. should be carried out in accordance with the City of Austin Specification # 602, Sodding for Erosion Control.
5. Some construction access to the site was gained from Maufrais Street, the ruts caused by vehicle tires should be graded smooth.

If you require any additional information please call Peter Marsh at 499-6767.

Manuel A. Mollinedo, Director
Parks and Recreation Department

MAM:pm

Attachment

xc. Danny Smith, P.E., W/WW
Glenn Davis, W/WW

Introduction

In May of 1991, the Water and Wastewater Utility carried out the emergency replacement of a failing wastewater main located in the vicinity of West Ninth Street and Winflo Drive. The northern portion of the sewer line traverses part of West Austin Park just north of West Ninth Street. The old failed sewer was not within an easement. To allow for future maintenance and to ensure accurate records of the location of the line the new main will require a 15 foot wide permanent easement which totals 2929 square feet.

Project Need and Justification

The failing main had been in place since 1932 and had experienced numerous breaks during May of 1991 discharging raw sewage into the park. In order to prevent potential health hazards, the wastewater line had to be replaced as an emergency. The Director of the Parks and Recreation Department was notified that an emergency existed and work would commence as soon as possible. The necessary easement request and approvals would be sought at a later date.

Alternatives to the Use of Parkland

Because this was an emergency replacement of an existing line, no alternatives to this alignment wastewater line were considered viable.

Project Description and Schedule

The new line was installed adjacent to the existing 6 inch main. Construction included approximately 200 feet of parkland beginning at a point where the wastewater line crosses the right-of-way of West Ninth Street and ending at an existing manhole inside the park. The new wastewater line is 10 inch PVC buried approximately 4.5 to 5 feet deep. The actual construction of the main took approximately 2-3 weeks, beginning and ending in May of 1991. Restoration of the site was completed in 4 weeks immediately following construction.

Short Term Effects of Construction

The short term effects during construction were held to a minimum as much as possible. The project site took place in an active recreation area used as a ball field and for open play during PARD's Summer Playground Program. A section of chain link fence had to be dismantled during construction, but was put back during the restoration phase. Since the area is void of any trees, ground disturbance included trenching, temporary spoil storage and heavy vehicle tire tracking and soil compaction.

Restoration Plan

All disturbed areas were restored with grass, in accordance with PARD's "Construction in Parks Specifications".

Long Term Effects of Construction

The project site has been inspected since it was restored in June of 1991, and the effects of construction appears to have caused no long term impact on the park. The area is currently restored to its previous condition.

FIELD NOTES

FIELD NOTES FOR A FIFTEEN (15) FOOT WIDE STRIP OF LAND CONTAINING 2,929 SQUARE FEET, SITUATED IN OUTLOT NO. 4, DIVISION "Z" OF THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF LOTS 1 AND 2, BLOCK 3, OF THE BOOTH SUBDIVISION OF THE SOUTH HALF OF SAID OUTLOT NO. 4, ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK 2, PAGE 130 OF THE PLAT RECORDS OF SAID TRAVIS COUNTY, BEING ALSO A PORTION OF THAT CERTAIN TRACT OF LAND CONVEYED TO THE CITY OF AUSTIN AND DESCRIBED IN VOLUME 434, PAGE 260 OF THE DEED RECORDS OF SAID TRAVIS COUNTY, AND BEING ALSO A PORTION OF THAT CERTAIN ONE AND ONE-FOURTH ACRE TRACT OF LAND CONVEYED TO THE CITY OF AUSTIN AND DESCRIBED IN VOLUME 434, PAGE 276 OF SAID DEED RECORDS, SAID FIFTEEN (15) FOOT WIDE STRIP OF LAND CONTAINING 2,929 SQUARE FEET BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Beginning at a point on the north right of way line of West Ninth Street, for the southeast corner of the herein described strip of land and from which, a 1/2" iron pin found at the southeast corner of Lot 2, Block 3, of said Booth Subdivision, being also the southwest corner of Lot 7, Block 3, of the Hancock Subdivision, according to the plat thereof recorded in Book 3, Page 189 of said Plat Records of Travis County bears S 59°22'10" E, 15.46 feet;

THENCE, with the north right of way line of said West Ninth Street, N 59°22'10" W, 17.70 feet to the southwest corner of the herein described strip of land;

THENCE, departing said north right of way line, N 01°24'37" W, 190.58 feet to the northwest corner of the herein described strip of land;

THENCE, N 88°35'23" E, 15.00 feet to the northeast corner of the herein described strip of land;

THENCE, S 01°24'37" E, 199.97 feet to the point of beginning.

FIELD NOTES: Mike Ritter
August 26, 1991

FIELD WORK: Robert Cadena
FB. WW-218

APPROVED:

David M. Segura
David M. Segura, RPLS No. 4177
Chief Surveyor
Department of Public Works
and Transportation

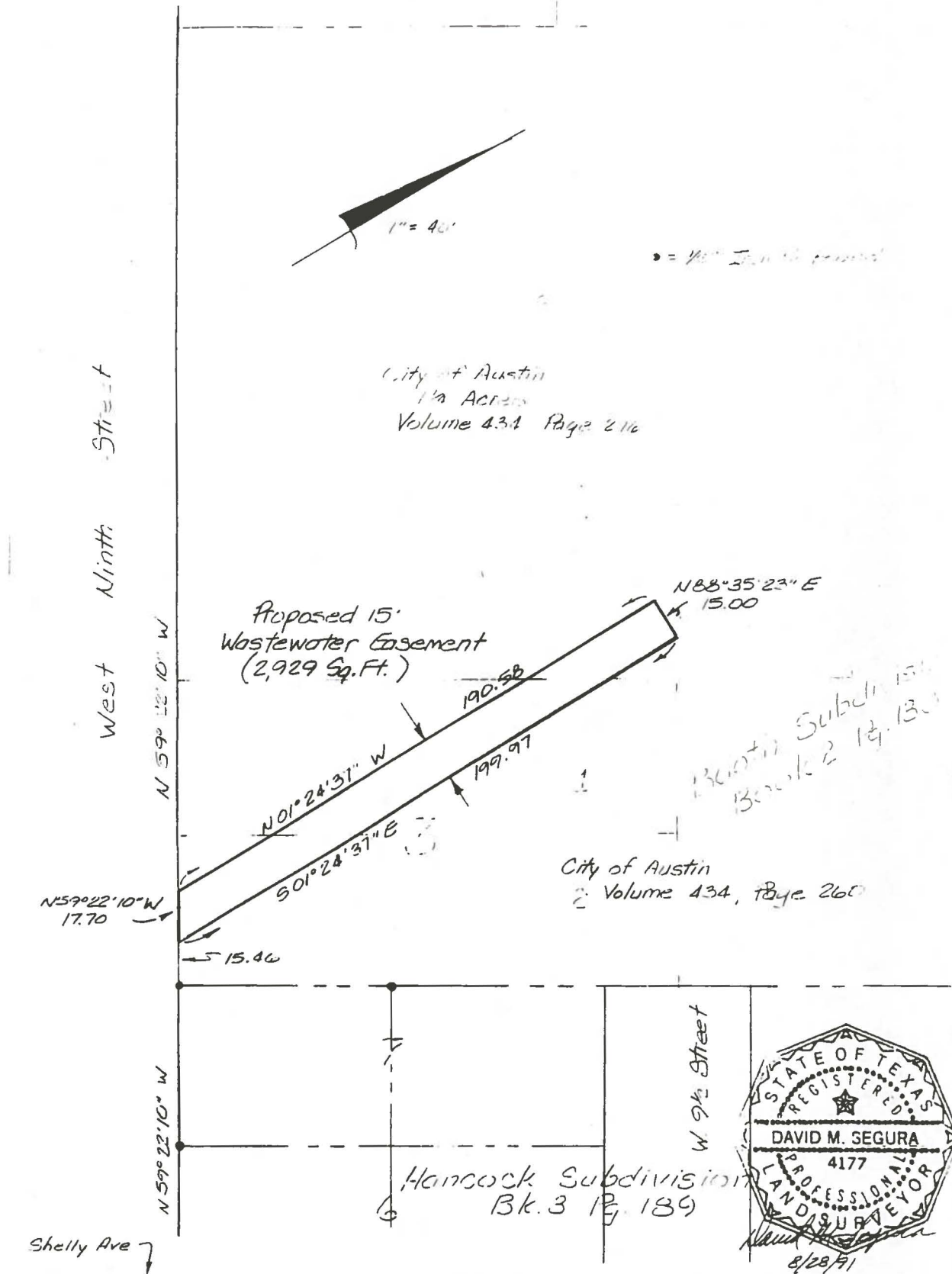
REFERENCES:

2-A-226 (Bearing Basis)
Tax Plat 1-0803
Austin Grid H-23-3

|wp51|text|winflo2.fns



Sketch To Accompany Field Notes



SCALE 1" = 40'

BEARING BASIS 2-A-236



DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION
ENGINEERING SUPPORT DIVISION
PROJECT Winflo w.w. Rehab.
DRAWN BY Riter
DATE August 26, 1991



MEMORANDUM

TO: Parks and Recreation Board

FROM: Michael J. Heitz, AIA, Director
Parks and Recreation Department

DATE: November 18, 1992

SUBJECT: 2546 Scenic Drive, illegal additions to approved boat dock
Revised site plan SP-91-0034DS(R1)

At the meeting of the Board held on July 28, 1992 consideration was given to the illegal additions that had been constructed to the approved boat dock at 2546 Scenic Cove.

The Board's unanimous motion at that meeting was:

"That all work constructed at 2546 Scenic Cove must be brought into compliance with the approvals given by the Board at the meeting held on February 4, 1991 and the approved Site Development Plan #SP-91-0034DS for the construction of a boat dock within 90 days from July 28, 1992."

A revised site plan has been submitted to the Department of Planning and Development by the applicant. The revised plan indicates the following:

1. Construction of retaining walls with storage areas underneath, around the boat dock area. Two small storage areas will be enclosed; one existing enclosed storage area will have a wall removed to make it into an open storage area.
2. The existing retaining wall that encroached over the adjacent property lines is shown to be rebuilt on the property boundary.
3. All existing water and sewer services and sanitary fixtures, except for hose bibs and automatic irrigation, to be removed.
4. All existing sewer holding tanks to be filled with concrete.
5. All electrical service to the A/C wall unit to be removed. The A/C wall unit will be removed and the hole filled with concrete

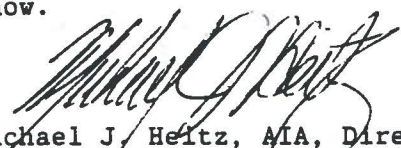
blocks. The electrical system will consist of wall receptacles and overhead lighting.

This revised site plan now meets the requirements of Article VI, Division 4, Part E (Requirements for the Construction Of Boat Docks) of the Land Development Code (including all amendments).

Recommendation

I recommend approval of the request to construct additions to the approved boat dock at 2546 Scenic Drive, in accordance with the revised Site Plan # SP-91-0034DS(R1).

If I can provide you with any additional information, please let me know.



Michael J. Heitz, AIA, Director
Parks and Recreation Department

MJH:pm

PARKS AND RECREATION BOARD
ANNUAL REPORT 1991-92

1. OFFICIAL NAME OF THE COMMISSION

Austin Parks and Recreation Board

2. OBJECTIVES AND FUNCTIONS

To advise the Austin City Council and City Manager on matters pertaining to the acquisition, development, sound management, maintenance and use of parks, recreational facilities and leisure services owned or controlled by the City of Austin.

3. AUTHORITY

Created February 8, 1934, City Code, Volume a, Chapter 24, Article II, Section 24-3; amended March 15, 1951, Ordinance No. 590604-F; amended further by Ordinance No. 771013-O, Ordinance No. 780223-F, and Ordinance No. 780223-G.

4. NAMES, ADDRESSES, OCCUPATIONS AND ETHNICITY OF THE CURRENT MEMBERS OF THE COMMISSION

<u>Names and Addresses</u>	<u>Ethnicity and Sex</u>
a. Rev. Sterling Lands II, Chair 8407 Danville Dr. (53) Business: Greater Calvary Missionary Baptist Church	BM
b. Eliza May, Vice-Chair 1605 Sylvan Glade (45) Business: Interagency Council on Sex Offender Treatment	HF
c. Ron Cartlidge, Secretary/Parliamentarian 1802 Woodland Avenue (41) Business: Mendez Middle School	WM
d. Albert Black 1013 Weeping Willow (53) Business: Texas Education Agency	BM
e. James Crump 908 Christopher (04) Business: Texaco Chemical	WM
f. Erma Linda Cruz-Torres 910 Gullett (02) Business: San Juan Child Development Center	HF
g. Beverly Griffith 2908 Scenic Drive (03) Business: Griffith Properties	WF

h. Neil Iscoe WM
3203 Glenview (03)
Business: EDS Research

i. Eleanor McKinney WF
2007 Kinney Avenue (04)
Business: Landscape Planner

Members Emeritus:

Mrs. Roberta Crenshaw WF
2515 El Greco Cove (03)

Mrs. Ruth D. Isley WF
(no Austin address)

Mrs. Margaret Scarbrough WF
Scarbrough Bldg. (03)

Mrs. Louise Nivison WF
3600 Greystone #511 (31)

5. REPORTS AND RECOMMENDATIONS PRESENTED TO THE CITY COUNCIL FROM OCTOBER 1991 THROUGH SEPTEMBER 1992

November 1991

Recommended the need to address funding for Barton Creek Land Acquisition/Barton Springs Protection; additional recreation centers, inner city park needs, ballfields; and Town Lake and Colorado River Park.

Recommended that the City of Austin withdraw its participation in the Veloway project.

Recommended use of \$318,000 in Bikeway funds for other bike related projects.

Recommended that Dove Springs Pool open in the Summer of 1993 and that Dick Nichols park open at the same time of as soon as possible thereafter.

Recommended construction of additional restroom facilities at the Kreig Softball complex.

Recommended approval of the Riverplace MUD consent agreement amendments.

Recommended City support for both the Dove Springs and Dick Nichols grant applications.

Recommended approval of electric easement through part of the Upper Bull Creek Greenbelt for Pedernales Electric Cooperative.

Recommended approval of a Veloway Maintenance and Operation Agreement

with Circle C Development Joint Venture.

December 1991

Recommended approval of fund transfer from the Golf Enterprise Fund ending balance for golf course improvements at Hancock, Jimmy Clay and Morris Williams Golf Courses.

January 1992

Recommended acquisition of 8.58 acres in the Upper Bull Creek Greenbelt.

Recommended acceptance of a grant from the Texas Commission on the Arts for an Art in Public Places project in the amount of \$3,222.

Recommended approval of naming the flying field at Lake Walter E. Long Park in honor of Mr. Charles J. Lester.

Recommended approval of the purchase of tracts totalling 371 in the upper Bull Creek Watershed.

Recommended acceptance of a grant in the amount of \$1,900 from the Texas Commission on the Arts for a traveling visual arts exhibit.

Recommended acceptance of a grant in the amount of \$1,217 from the Texas Committee on the Humanities for a lecture and exhibit related to O. Henry.

February 1992

Recommended approval of purchase 151 acres in the upper Bull Creek Watershed (Franklin Tract).

Recommended that the major priorities for improvements on the Town Lake Hike and Bike Trail be trail repairs, erosion control and replacement of pedestrian bridges.

Recommended approval of the Fern Bluff MUD, Third Consent Agreement Amendment.

Recommended approval of proposed cemetery fee increase.

March 1992

Recommended approval of a contract for maintenance of medians and triangles.

Recommended approval of a contract to perform Phase III renovation of the Lundberg Bakery.

Recommended approval of naming Softball Complex as Roy G. Velasquez, Sr.

April 1992

Recommended acceptance of a \$25,000 grant from the Meadows Foundation for restoration work at the Lundberg Bakery.

Recommended establishing a 10 mph speed limit on the Town Lake hike and bike trail.

May 1992

Recommended acceptance of \$500,000 in grant funds from the Texas Parks and Wildlife Department for a swimming pool and other recreational facilities at Dove Springs District Park.

Recommended acceptance of a \$2,500 grant from the Texas Commission on the Arts for professional development.

Recommended amending the 1991-92 general fund operating budget for additional fee-based programs at the Dougherty Arts Center, the Austin Nature Center and nine recreation centers.

Recommended completion of repairs and maintenance of Barton Springs Pool and opening the pool as soon as possible for the summer swim season.

Recommended approval of Interlocal Agreement with Travis County for Park Police support at Palm Park.

Recommended approval of a 45 acre easement for a regional stormwater management pond at Dick Nichols park.

Recommended approval of a 2,574 square foot license agreement for a wastewater lift station for Northwest Travis County MUD No. 1 in the Upper Bull Creek Greenbelt.

Recommended that the parking lot at Palmer Auditorium not be used for paid parking or as parking reserved for the Convention Center.

Recommended approval of funding for the "Reach for the Sky" climbing wall project.

Recommended continuing year-round access to Barton Springs Pool as a right and benefit to all citizens of Austin.

Recommended approval of \$130,000 in CDBG funding for the Govalle ballfields and \$750,000 in CDBG funding for Colorado River Park.

June 1992

Recommended approval to cancel a reservation of parkland at the request of the Texas Botanical Garden Society.

Recommended extension of the ban on glass containers to the Barton Creek Greenbelt.

Recommended acceptance of a \$25,971 grant from the Capital Area Planning Council for the Senior Nutrition Program.

Recommended approval of an Interlocal Agreement with the Austin Independent School District to prepare meals for the Senior Nutrition Program.

Recommended approval of a contract award for Emma Long Metropolitan Park Wastewater Treatment Improvements.

Recommended delay of approval of a 2.363 acre sanitary sewer easement and 6.147 acre temporary construction easement in Town Lake Park and Zilker Park for the South Austin Outfall Project Phase 2.

Recommended approval of a 25 foot wide sanitary sewer easement and 15 foot wide parallel temporary construction easement in Rosewood park for wastewater improvements in east Austin.

Recommended approval of a beverage container deposit ordinance for Austin.

Recommended appeal of the current state court ruling on the Sandy Beach Reserve Access case.

July 1992

Recommended naming an unnamed park in the former North Central Austin Growth Corridor MUD as Gracywoods Neighborhood Park.

Recommended approval of the proposed Senna Hills MUD District Consent Agreement Amendment.

August 1992

Recommended increased funding for the Parks and Recreation Department including \$206,000 for new facilities and parks coming on line and also increased funding for Community Education, Recreation Center Hours, Aquatic Programs and the Austin Area Garden Center.

Recommended funding priorities for the 1992-93 Capital Improvements Program.

September 1992

Recommended approval of dedicating all remaining undedicated land at Austin Memorial Park cemetery for cemetery purposes.

Recommended approval of the proposed Northwest Austin MUDs 1 & 2 Consent Agreement.

Recommended approval of allowing 113.7 acres to be annexed into the Water Control and Improvement District #10.

Recommended approval of cemetery fees.

Recommended increasing funding for youth related programs by \$362,000 in the 1992-93 PARD budget.

Recommended funding for a five year management plan and tree inventory

in the 1993-94 budget.

Recommended creation of a Waterfront Planning Advisory Subcommittee of the Planning Commission composed of members of the Water and Wastewater Commission; Parks and Recreation Board; Planning Commission and Environmental Board.

Recommended approval and construction of the Zilker Loop extension of the Town Lake Hike and Bike Trail.

Recommended creation of a Park Zone for reduced speed on Barton Springs Road in Zilker Park.

NUMBER OF MEETINGS HELD

24

7. ATTENDANCE

(see attached sheets)

8. NUMBER OF PUBLIC HEARINGS HELD

4 including Grant Application Submission to Texas Parks and Wildlife, Lighting on Town Lake, Town Lake Trail Improvements and separate Hike and Bike Trails. Extensive public comment was also taken on Concessions, the Bond Election, the Operating Budget and Park Police/Urban Rangers.

9. NAVIGATION

The Parks and Recreation Board acted on 19 navigation items.

10. TOUR MEETINGS

The Parks and Recreation Board toured the following dates and locations:

January 13, 1992 - Dick Nichols Park
January 21, 1992 - Dougherty Arts Center
May 13, 1992 - Umlauf Sculpture Garden
August 19, 1992 - Commons Ford Ranch

11. EXPENSE

\$31,068.26 Total

This includes \$859.53 for postage; \$94.29 for office supplies; \$1,818.44 for photocopying and \$28,296 for staff.

This includes food and ice, personnel, copying, postage and supplies.

12. CITY PERSONNEL WHO REGULARLY ASSIST THE COMMISSION

- a. Michael J. Heitz, Director, Parks and Recreation
- b. Jesus M. Olivares, Deputy Director, Parks and Recreation
- c. Carolyn D. Nelson, Deputy Director, Parks and Recreation
- d. Jody Hamilton, Staff Support Services Supervisor II, PARD
- e. Robert Sopronyi, Division Manager, Programs
- f. Stuart Strong, Principal Planner, Planning and Design
- g. Peter Marsh, Engineering Associate II, Planning and Design
- h. Carolyn Kelley, Landscape Architect I
- i. Donna Bohls, Executive Secretary

13. FUNCTIONS OF THE BOARD WHICH ARE DUPLICATED BY ANY OTHER COMMISSION

There are no other boards that duplicate the functions of the Parks and Recreation Board.

14. RECOMMENDATIONS

The Parks and Recreation Board very strongly recommends that the Board be continued as we feel it is a very vital liaison between the community and the City Council in matters involving parks and recreation services for the citizens of Austin.

NAME OF BOARD/COMMISSION : Parks and Recreation Board

ATTENDANCE RECORDS FOR 91-92 REGULARLY SCHEDULED MEETINGS

NAME	10/22	11/26	12/9	1/28	2/25	3/24	4/28	5/26	6/23	7/28	8/19	9/22
Beverly Griffith	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Neil Iscoe	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	ab	ab
Phil Friday	✓	✓	✓	✓	✓	✓	✓	✓	Term Expired			
Ron Cartlidge	✓	✓	✓	✓	✓	✓	✓	✓	ab.	✓	✓	✓
Albert Black	ab.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Charlie Gandy	✓	✓	✓	✓	✓	✓	✓	✓	Term Expired			
James Crump	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Eliza May	✓	✓	✓	ab.	✓	✓	✓	ab.	✓	✓	✓	✓
Hayden Brooks	ab.	✓	✓	ab.	ab.	Resigned						
Sterling Lands <small>Appt. to fill Hayden Brooks term</small>									✓	✓	✓	✓
Erma Linda Cruz-Torres <small>Appt. to Board 6/92</small>									✓	ab	✓	✓
Eleanor McKinney <small>Appt. to Board 6/92</small>									✓	ab	✓	✓

* Fill in dates of all regular meetings. List names of all members, and for each mark ✓ when present and ~~ab~~ absent for health reasons. Send to City Clerk's Office after each regularly scheduled meeting.



O S 1992

M E M O R A N D U M

ASSISTANT
MANAGER'S OFFICE

TO: Mayor and Council Members
Camille Cates Barnett, Ph.D., City Manager

FROM: Diana L. Granger, City Attorney

DATE: November 2, 1992

SUBJECT: Northwest Austin Municipal Utility District Nos. 1 and 2 (Canyon Creek Development); Implementation of Park Board Resolution of September 1, 1992 Concerning Preservation of View Corridors and Road Alignment for Old Lampassas Trail.

On September 3, 1992, the City Council approved amendments to the Consent Agreements of Northwest Austin MUDs 1 and 2 that modified the dedication requirements for the park and fire station sites and cash contributions for improvement of same. At the time these amendments were approved, the City Council also directed the City Manager to implement the Park Board Resolution of September 1, 1992 (attached) in the land development process.

The Consent Amendments that improved the park and fire station dedication requirements have been executed by all parties. The Planning and Law Departments have had the opportunity to study the implementation of the Park Board Resolution in the development process and have come to the following conclusions:

1. the City's ability to compel compliance with a new ordinance containing new development regulations for preservation of a view corridor would be constrained by H.B. 4 considerations (i.e. those portions of the development that have already received plat approval or as to which bona fide applications for development approval are on file as of the effective date of the new regulations would not be subject to them); those portions of the development not so approved or for which no application for development approval is on file as of the effective date of such regulations would be subject to the new ordinance restrictions;
2. given the practical realities arising from the foregoing observation, implementation of the Park Board Resolution can be accomplished by a combination of techniques: first, adoption of a Land Development Code amendment containing these requirements and, where such cannot be applied because of H.B. 4 constraints, further amendments to the Consent Agreements or other development restrictions (such as restrictive covenants) will need to be negotiated;

Mayor and Council Members
Camille Cates Barnett
November 2, 1992
Page 2

3. in addition, further refinement of certain items in the Park Board Resolution will need to be made by the Parks Board prior to practical implementation; for example, the "view corridor" referred to in the Park Board Resolution is undefined;
4. the plan for implementation will need to take into account the physical as well as legal realities presenting limitations on our capability to implement the Resolution; for example, given that there are already two hundred houses located in Canyon Creek, it may be physically impossible to prevent the view of rooftops from anywhere within the adjacent habitat land; a site survey will need to be conducted to determine the practical ability to implement this recommendation of the Park Board;
5. in addition, the notion of preventing rooftop views from an infinite number of possible viewer locations within the adjacent habitat land is inconsistent with the idea of a "corridor" and will need to be refined;
6. since the primary focus of the Park Board Resolution is on preserving the "view corridor", establishing minimum construction setbacks from bluffs, preservation of vegetative buffers, and prevention of rooftop views, a Land Development Code amendment will be prepared that addresses these elements;
7. because portions of the development may be exempt from application of such an ordinance because of H.B. 4, a Consent Amendment proposal incorporating these elements will also be proposed to the developer; since implementing such a Consent Amendment or the negotiation of further development constraints through restrictive covenants requires the agreement of both parties, practical difficulties may arise in achieving the level of compliance sought by the Parks Board; in other words, we cannot compel their agreement to such provisions but will negotiate in good faith for their inclusion;
8. language addressing the alignment of Old Lampassas Trail was included in the recent Consent Amendments to the satisfaction of the Nature Conservancy; for this reason, no further processes involving the developer or the Districts is necessary; internal processes for approval of roadway or transportation plans should take into account the environmental implications of constructing an extension of Old Lampassas Trail through the adjacent habitat land.

Mayor and Council Members
Camille Cates Barnett
November 2, 1992
Page 3

Please let me know if you have any questions regarding the above.


Diana L. Granger
City Attorney

DLG:alc/12981

xc: Byron C. Marshall, First Assistant City Manager
Oscar Rodriguez, Acting Assistant City Manager



MEMORANDUM

TO: Parks and Recreation Board

FROM: Michael J. Heitz, AIA, Director
Parks and Recreation Department

DATE: November 18, 1992

SUBJECT: US Army Corps of Engineers Public Notice
Nationwide Permits - Dredging

The US Army Corps of Engineers issued a Public Notice regarding Nationwide Permits on November 6, 1992, a copy of which is attached. This notice included Special Requirements for the State of Texas.

The Nationwide Permits are subject to State water quality certification which are issued by the Texas Water Commission. The Water Commission has not certified any Nationwide Permits that pertain to dredging because of the possibility of sediment contamination.

The effect of this is to require ANY dredging project, however small, to be reviewed by the US Army Corps of Engineers. If found to be in an area where the Texas Water Commission suspects there to be contaminated sediments, the project will be referred to the TWC for individual certification or waiver.

With the impending lowering of Lake Austin in early 1993, it can be anticipated that some dredging activity will be carried out. The notice that is to be posted on boat docks in the near future informing owners of the lowering will include a paragraph regarding the new requirements for approval of dredging activities.

If I can provide you with any additional information, please let me know.


Michael J. Heitz, AIA, Director
Parks and Recreation Department



US Army Corps
of Engineers
Fort Worth District

Public Notice

Date: November 6, 1992

The purpose of this public notice is to inform you of changes to the nationwide permit program as it applies in the State of Texas.

Regulatory Program

Since its early history the US Army Corps of Engineers has played an important role in development of the nation's water resources. Originally this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the US Army Corps of Engineers Regulatory Program.

Section 10

The US Army Corps of Engineers is directed by Congress under Section 10 of the River and Harbor Act of 1899 (33 USC 403) to regulate *all work or structures in or affecting the course, condition or capacity of navigable waters of the United States*. The intent of this law is to protect the navigable capacity of waters important to interstate commerce.

Section 404

The US Army Corps of Engineers is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the *discharge of dredged and fill material into all waters of the United States including wetlands*. The intent of this law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity.

Contact

Name Regulatory Branch

Phone Number (817) 334-2681

SPECIAL PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS REGULATORY PROGRAM

NATIONWIDE PERMIT PROGRAM CHANGES

AND

SPECIAL REQUIREMENTS FOR THE STATE OF TEXAS

An integral part of the U.S. Army Corps of Engineers regulatory program is the concept of general permits for minor activities. General permits are activity and/or area specific and are designed to relieve some of the administrative burdens associated with permit processing for both applicants and the Federal government. Nationwide permits (NWP's) are a form of general permit issued by the Chief of Engineers and are intended to apply throughout the entire United States and its territories.

The original 26 nationwide permits, published in the November 13, 1986 Federal Register, expired on January 12, 1992. On November 22, 1991, the U.S. Army Corps of Engineers published a new set of nationwide permits, including the original 26 (some with modifications), and 10 new ones, which became effective January 21, 1992. Enclosed is a portion of the text of the November 22, 1991, Federal Register containing regulations under 33 CFR 330 along with Appendix A. Appendix A defines the NWP's and their required conditions.

The NWP's are subject to State water quality certification requirements under Section 401(a)(1) of the Clean Water Act. In Texas, water quality certifications are issued by the Texas Water Commission (TWC). The TWC has issued unconditional water quality certification for all NWP's, except NWP's 16, 19, and 35.

The TWC has conditioned the certification of NWP's 16, 19, and 35 to require an individual waiver or certification for locations or areas where the TWC has identified known or suspected sediment contamination. Although no such locations or areas have been identified at this time; Brigadier General Robert L. Herndon, Division Engineer, Southwestern Division of the U.S. Army Corps of Engineers, has determined that the State of Texas has effectively denied water quality certification for NWP's 16, 19, and 35 for those locations and areas where the TWC suspects there are contaminated sediments. Therefore, NWP's 16, 19, and 35 are denied without prejudice for such areas. The U.S. Army Corps of Engineers will utilize the latest list of suspected locations or areas provided by the TWC to review all projects referred under NWP's 16, 19, and 35. Any project occurring in

such locations or areas will be referred to the TWC for individual certification or waiver. All persons contemplating the use of NWP's 16, 19, or 35 should first contact the District Engineer in their respective District (see enclosed map) or the Texas Water Commission, Post Office Box 13087, Austin, Texas 78711-3087, telephone (512) 463-7830.

DISTRICT ENGINEER
FORT WORTH DISTRICT
CORPS OF ENGINEERS